

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
October 16, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor George Morren at 7:33 PM. Mayor Morren led the pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Morren stated that the meeting has been properly advertised in the December 17, 2005, issue of the Somerset Messenger Gazette and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Brian Griner-present, Mr. Brad Merritt-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present.

Late Attendance – Ms. Eileen Uhrik (7:35 PM after approval of minutes)

Absent: Mr. Richard Batchelder

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner.

**APPROVAL OF MINUTES**

Regular Minutes – September 18, 2006 - Motion to approve the minutes was made by Merritt with a second by Witt. Motion carried on roll call vote – all ayes.

**PUBLIC COMMENTS**

Marge Yuschak, 55 Washington St. – Ms. Yuschak questioned the status of repairs of sidewalks within the Borough noting an ongoing problem with a section in need of repair in front of her residence.

Ms. Yuschak was advised that there is insufficient funding in the remaining budget for this year to complete the entire Borough sidewalk project.

After considerable discussion, it was determined that there is a limited amount of funding available in the Streets and Roads budget. It was agreed that a change order would be negotiated with the current contractor working in the Borough on the Princeton Ave. and Montgomery Ave. sidewalks and drainage repairs for up to \$4,000.00 in hopes of having the contractor repair some of the sidewalks at this time. Engineer Tanner was authorized to compose a priority list of sidewalk repairs ranked in descending order of need and to consult with the contractor as to whether he was able to accommodate the repair requests. Engineer Tanner will report back to Mayor and Council with his findings. Motion was made by Merritt with a second by Zimmerman authorizing Engineer Tanner to negotiate with the current contractor for an amount up to \$4,000.00 to repair sidewalks in safety priority. Motion carried on roll call vote – all ayes.

Ms. Yuschak, on behalf of the Community Group, requested that community activities be listed on the Borough's website. Ms. Yuschak was referred to Councilman Batchelder for assistance with this matter.

In response to Ms. Yuschak's inquiry as to who will be handling the Borough's snow removal since Larry Merk will not be providing these services any longer, she was advised that the Borough has not retained a replacement as of this time. Solicitation of bids will be forthcoming.

Bill Hallman, resident of Montgomery Ave. – Mr. Hallman requested that contractors provide advance written notice to residents of work to be performed in the area of their residence to ensure that homeowners have sufficient time to make allowances. Mr. Hallman cited the recent work being done on Montgomery Avenue wherein a resident's sidewalk was blocked off due to construction hindering the resident's egress from the property. Engineer Tanner urged that residents contact him immediately with any future problems, and he will ensure that prior notification will be made in the future.

Gary Warden, resident, 85 Princeton Ave. – Mr. Warden offered a suggestion for the use of a more cost efficient light bulb outside the front door of the Borough Hall.

Hearing no comments/questions, the floor was closed to the public.

**ENGINEER'S REPORT**

Report dated October 13, 2006, for September 2006 was received and distributed (copy on file in the Borough Clerk's Office). The following items were discussed:

County Park Project – Negotiations for installation of the restrooms will begin over the next month; lawn mowing, weed cutting, and fertilizer applications have been done; herbicide to be applied within a week; playground equipment installation scheduled for first week of November. Memorandum dated October 13, 2006, from Engineer Tanner, Re: Van Horne Park Maintenance was received and distributed. The memorandum was provided at the request of the Borough as to anticipated maintenance and costs for the upcoming year. Specific areas of discussion included: cleaning restrooms, collecting garbage, mowing lawns, fertilizing grass areas, field maintenance, and sprinkler maintenance.

The memorandum outlined the Borough's costs associated with these services. Included was interest expressed by ARC in contracting for the cleaning of the restrooms and collecting of garbage and recycling in the Park and possible interest by Montgomery Township in having their public works department doing some of the field maintenance. Engineer Tanner is awaiting a price from Montgomery Township in regard to the irrigation system maintenance and will report back.

Miscellaneous –

- As a follow-up to the Borough's request, Engineer Tanner sent a letter of request to the County regarding plantings along the Scassera property on County Route 518. Response was received from the County dated 9/20/06 indicating they fulfilled this request previously. Question was raised as to whether the County planted in the specific area/property in question (Scassera – 25 Washington St.). Engineer Tanner will clarify with the County.
- Notice was provided that the Borough would not be entitled to the Historic Trails Grant this year. It was noted that grant monies from the prior year can be used for the trail from Crescent Ave. into the park. Engineer Tanner will pursue application for the necessary DEP permits applicable for this project.
- Correspondence was received from Engineer Tanner outlining the costs of the recreational shelter (pavilion) at Borough Hall per the request of Councilman Batchelder.
- Center Designation – In response to question raised by Mayor Morren, Engineer Tanner advised that there has not been a benefit of having this designation for grant monies applied for thus far. Engineer Tanner will look further into this matter.
- Engineer Tanner will provide a detailed list of allowable items for the brush/tree limb pick up to Clerk Griffiths for notice to the residents.

**Resolution of Approval and Award of Leaf Collection Bid** – Two bids were received in response to the public bid for this project. Engineer Tanner reviewed the bids submitted and recommended the award of contract to Mastroianni Landscaping of Hopewell, NJ, as the lowest, responsible bidder. Certification of funds was received by CFO Bobal. Motion was made by Merritt with a second by Griner to award the contract to Mastroianni Landscaping in the amount of \$22,825 by way of resolution of approval. Motion carried on roll call vote – all ayes. (Appendix 1). The following dates were designated for the leaf collection: October 30, November 6, November 13, November 27 (a fifth pick-up for possibly Dec. 5 will be considered at a later date if needed). Engineer Tanner will confirm the dates with the contractor. Notice to the residents of these dates will be posted on the website and in the post office upon confirmation.

**Scheduling of Dates for Brush/Tree Limb Removal** – The following dates were designated for the brush/tree limb removal: November 2 and November 3, 2006. Engineer Tanner will confirm the dates with the contractor. Notice to the residents of these dates will be posted on the website and in the post office upon confirmation.

Public Comments/Questions:

Gary Warden, resident, requested that consideration be given for the fifth pick-up as it was needed last year. Mr. Warden also expressed concern with the water run-off near the entrance to the park off of Princeton Ave. near Hickory Court. He questioned the use of the gravel material in this area in addition to the current maintenance of the grounds. Engineer Tanner explained the basis for the use of the gravel material and the maintenance procedure being followed. Engineer Tanner advised he will re-visit the problem with the water run-off and confer with the Park Committee.

**APPROVAL OF VOUCHERS TO BE PAID**

Motion to approve the bill list as presented was made by Zimmerman with a second by Merritt. Motion carried on roll call vote – all ayes. (Appendix 2)

**DEPARTMENTAL REPORTS**

Motion to accept the following reports as presented was made by Merritt with a second by Witt. Motion carried on roll call vote – all ayes.

Tax Collector's Report – September 2006  
Treasurer's Report – None received  
Court Administrator's Report – September 2006

**COMMITTEE REPORTS**

**Administration and Records** – No report at this time.

**Building & Grounds** – Councilman Zimmerman advised that the NJSP sign has been installed on the building; Panicaro Park and the ball fields at VanHorne Park have been weeded by the Sheriff's Office workers. As a follow-up to the last meeting, Mr. Zimmerman advised that he spoke with Karen Zimmerman, Recreation Director, of the joint Recreation Program in regard to their request for an increase in the Borough's contribution to the recreation program for 2007. A proposal will be drawn up for consideration. In regard to the Recreation Grant that was received by the Borough, the Recreation Committee met and has provided the following suggestions for use of the funds: flagpole at Panicaro Park (upon confirmation that this would qualify); moving of the playground equipment at Panicaro Park away from Route 518; extension of the fence at Panicaro Park from Rt. 518 to Crescent Ave. with a gate; soccer goals for fields at Borough Hall. The Committee is reviewing the costs for these options, will meet again in two weeks, and report back.

**Finance & Insurance** – No report at this time.

**Public Safety & Emergency Services** – Councilman Griner advised that Alan Querec has inquired as to available funds that might be contributed by the Borough (approximately \$5,000.00) for the purchase of a rescue boat for the Rescue Squad. It was noted that there are not sufficient funds in the Borough's budget at this time but the request could be further re-visited during the budget transfer process. It was suggested that the squad request donations from neighboring municipalities as well as private entities. Ms. Harris, resident, suggested that the Squad contact Trap Rock Industries for a donation since monies for the previous request for a boat were donated by them. Mr. Griner advised that Todd Harris of the Fire Department has advised that the architect is finalizing plans for the firehouse renovations which may be available next month. As a follow-up to concerns expressed, Mr. Griner advised that the constables have been issuing letters to residents in regard to shrubbery encroachment. The constables requested they be contacted with any further concerns. Bus routes have been provided by the Superintendent of Transportation for the School Board which in turn have been sent to the NJSP and South Bound Brook Police Department. Mayor Morren advised that he has requested of the NJSP that monthly reports be provided to the Borough.

**Streets & Roads** – Councilwoman Uhrig advised that request was received from the Board of Education's Traffic Department, requesting information be provided to them in the event of road closures. Ms. Uhrig advised there was a problem with the US Post Office delivery during the recent construction; the matter was addressed by Ms. Uhrig and Engineer Tanner. In regard to the recent dead deer removal procedures, Ms. Uhrig provided contact information from the South Brunswick Health Department to the Borough Clerk regarding removal procedures for pick-ups on the Borough's municipal roads. Councilman Witt reported a missing sign at the intersection of Montgomery Ave. and Route 518.

**Water, Sewer & Environmental Protection** – Councilman Merritt provided a summary of the September 2006 Utility Report as provided by Superintendent Larry Merk. Mr. Merritt also advised that a water main was broken during construction on Montgomery Ave. which had to be repaired.

**Council Representative to Planning Board** – No report at this time.

**Council Representative to School Board** – Councilman Witt advised the School Board reported on a favorable meeting that was held with the new School Superintendent.

**Council Representative to Board of Health** – No report at this time; meeting to be scheduled.

**Zoning Official** – Report dated September 2006 from Zoning Official Raffaelli was received and distributed.

**Grants Official** – Councilman Griner advised that a meeting has been scheduled with a grants consultant to discuss services they may be able to provide to the Borough. The Committee is requesting that we provide them with our needs before the 11/24/06 meeting.

#### **SPECIAL BUSINESS:**

#### **PUBLIC HEARING/SECOND READING - ORDINANCE #6, 2006 – ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS ORDINANCE OF ROCKY HILL BOROUGH BY ADDING A NEW ARTICLE, ARTICLE 11, "WELL HEAD PROTECTION"**

Ordinance #6, 2006, as filed in the Borough Clerk's Office was read by title. Response was received from the Planning Board recommending adoption of the ordinance finding the ordinance to be consistent with the Borough's Master Plan. Public hearing and further action carried to November 20, 2006, Council meeting to be held at 7:30 PM in the Borough Hall.

#### **PUBLIC HEARING/SECOND READING - ORDINANCE #7, 2006 – ORDINANCE ESTABLISHING THE LICENSING OF TOWING OPERATORS IN THE BOROUGH OF ROCKY HILL AND TOWING AND STORAGE FEES**

Ordinance #7, 2006, as filed in the Borough Clerk's Office was read by title. Discussion ensued regarding concerns expressed by Chief Verry of the South Bound Brook Police Department relative to the Impounded Vehicles; Storage; Release section of the ordinance, specifically relating to the processing of paperwork for towed vehicles. It was agreed that South Bound Brook Police will be responsible for handling the paperwork for vehicles towed by their agency and the owner(s) will need to go the South Bound Brook Police Department to sign the necessary paperwork for release of the vehicle. In regard to clarification of the definition of storage time, it was agreed to address this issue at a later date.

Public comments/questions:

George White, resident, was provided with clarification as to the process to be followed for towed vehicles.

Gary Warden, resident, was provided with the procedure that will be followed via the Rocky Hill towing operator list.

Motion was made by Witt with a second by Merritt to close the public hearing. Motion carried on roll call vote – all ayes.

Motion to adopt Ordinance #7, 2006, as presented was made by Merritt with a second by Witt. Motion carried on roll call vote – all ayes. (Appendix 3).

**COMMUNICATIONS:**

Communications as listed on the agenda were disseminated and/or ordered filed.

**UNFINISHED BUSINESS:**

**Fair Share and Housing Plan Element Discussion** – Copy of Resolution of Approval of the Fair Share and Housing Element Plan Element by the Planning Board was received. Resolution for action to be taken by Council will be presented at the 11/6/06 meeting.

**Community Services Agreement – Washington Knoll** – (Councilmembers Griner and Uhrig were recused on this matter.) Mr. Griner, spoke on behalf of the residents of Washington Knoll. Discussion ensued about services to be provided, i.e. lighting, snow removal. It was agreed that a determination can be made as to the costs for reimbursement by the Borough for street lighting and the County should be able to accommodate the need for snow plowing on Young Dr. Mr. Griner will report back with a formal agreement and estimate of costs.

**Ordinance #8, 2006 – Introduction - Authorizing the Mayor and Clerk of the Borough of Rocky Hill, County of Somerset, State of New Jersey, to Execute a License Agreement for Use of Municipal Property Pursuant to Local Lands and Buildings Law** – Ordinance #8, 2006, as filed in the Borough Clerk's Office was read by title. Motion to introduce was made by Zimmerman with a second by Witt. Motion carried on roll call vote – all ayes; Merritt-abstain. Public hearing scheduled for November 20, 2006, at 7:30 PM in the Borough Hall. Councilman Zimmerman advised that the NJSP has agreed to the installation of keyless locksets. A list of the Borough's inventory will be provided by Councilman Zimmerman as an attachment to the agreement.

**NEW BUSINESS:**

**Discussion of Possible Interlocal Agreement between the Borough and Montgomery Township – Recognition of Wellhead Protection Ordinance** - Mayor Morren advised that Montgomery Township has forwarded their wellhead protection ordinance to the DEP for review. Discussion carried as to a possible interlocal agreement between the Borough and Township giving full force and effect to each other's ordinances.

**PUBLIC COMMENT**

Bill Hallman, resident, Montgomery Ave., suggested that the "school bus stop ahead" sign placed in front of his residence (which has been temporarily taken down due to construction) should be moved from this location to the proper location.

Hearing no other comments/questions, the floor was closed.

**ADJOURNMENT:**

Motion to adjourn the meeting at 9:55 PM was made by Merritt with a second by Zimmerman. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC  
Borough Clerk